



October 16, 2019

**Via Electronic Mail**

Freedom of Information Act Office  
U.S. Immigration and Customs Enforcement  
500 12<sup>th</sup> Street, SW, Stop 5009  
Washington, D.C. 20536-5009  
ice-foia@dhs.gov

Re: FOIA Request

To whom it may concern:

This letter constitutes a request pursuant to the Freedom of Information Act (the "FOIA"), 5 U.S.C. § 552. The Request is submitted on behalf of the American Civil Liberties Union of Massachusetts (the "ACLUM") and Lawyers for Civil Rights Boston ("LCR").

In or around 2019, U.S. Immigration and Customs Enforcement ("ICE") announced the Warrant Service Officer ("WSO") program. According to ICE, the WSO program is "intended for local law-enforcement that wish to honor immigration detainees but are prohibited due to state and local policies that limit cooperation with [ICE]."<sup>1</sup>

For purposes of this request, the term "state or local government entity" means any state agency, any state court system, any sheriff's department, any municipality, and/or any state or local police department, and all components and subdivisions thereof.

ACLUM and LCR request the following records:

1. ICE's policies, procedures, instructions, and other guidance for the WSO program.

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<sup>1</sup> <https://www.ice.gov/news/releases/ice-launches-program-strengthen-immigration-enforcement>

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2. All Memoranda of Agreement and other contracts executed by ICE in connection with WSO program, including with any state or local government entity.
3. All communications and correspondence, including without limitation electronic mail, between ICE and any state or local governmental entity located in Massachusetts concerning the WSO program.
4. All records concerning the implementation of the WSO program in Massachusetts, including without limitation: (a) records concerning the number of people detained or arrested in Massachusetts in connection with the program; and (b) records documenting any payments made to any state or local government entity in Massachusetts in connection with the program.
5. Any record containing an analysis of the legal basis for and/or legality of the WSO program, including without limitation: (a) any analysis of the authorization for the program under any federal statute or appropriation; and (b) any analysis of the legality of any state or local government entity's participation in the program under state, federal, or local law.

If this request is denied in whole or part, we ask that you justify all denials and deletions by reference to specific exemptions of the FOIA. Please release all segregable portions of otherwise exempt material.

We request a fee waiver. ACLUM is a not-for-profit, non-partisan organization dedicated to the principles of liberty and equality. As the Massachusetts affiliate of the national ACLU, a not-for-profit, non-partisan organization, ACLUM distributes information both within and outside of Massachusetts. Gathering and disseminating current information to the public is a critical and substantial component of ACLUM's mission and work. ACLUM publishes newsletters, news briefings, reports and other printed materials that are disseminated to the public. These materials are widely available to everyone, including tax-exempt organizations, not-for-profit groups, law students and faculty, at no cost. ACLUM also disseminates information through its website<sup>2</sup> and regular posts on social media sites such as Facebook and Twitter. Accordingly, ACLUM is a representative of the news media. *See* 5 U.S.C. § 552(a)(4)(A)(ii)(II); *Nat's Security Archive v. Dep't of Defense*, 880 F.2d 1381, 1387 (D.C. Cir 1989).

LCR is a not-for-profit, non-partisan organization representing the interests of communities of color and immigrants. Part of LCR's core mission is public education on areas of interest to the groups LCR represents. As a result, gathering and disseminating information – particularly from public officials or agencies – is an integral part of LCR's purpose and function. Materials LCR disseminates are available for free, to everyone, including other not-for-profit groups and

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<sup>2</sup> [www.aclum.org](http://www.aclum.org)

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organizations, faith communities, students and faculty. LCR also disseminates information through its website.<sup>3</sup> Accordingly, LCR is a representative of the news media. *See* 5 U.S.C. § 552(a)(4)(A)(ii)(II).

In addition, ACLUM and LCR are entitled to a waiver or reduction of fees because disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government, and disclosure of the information is not primarily in the commercial interest of the requester. *See* 5 U.S.C. § 552(a)(4)(A)(iii). The public is keenly interested in understanding the scope, nature, cost, and efficacy of DHS's immigration policies and operations, which have been widely publicized, including frequently by the President himself.

We reserve the right to appeal a decision to withhold any information or to deny a waiver of fees. Please provide documents in digital form wherever possible.

We look forward to your reply to the Request within twenty (20) business days, as required under 5 U.S.C. § 552(a)(6)(A)(i).

**Thank you for your prompt attention to this matter.**

Sincerely,

*/s/ Daniel L. McFadden*  
Daniel L. McFadden  
Staff Attorney  
ACLU of Massachusetts

*/s/ Oren Nimni*  
Oren Nimni  
Staff Attorney  
Lawyers for Civil Rights

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<sup>3</sup> [www.lawyersforcivilrights.org](http://www.lawyersforcivilrights.org)